

BOARD OF ZONING APPEALS SUBMITTAL

ZONING HEARING CASE #ZH20130123

**1019 St. Gregory St.
Cincinnati, OH 45202
Mt. Adams Neighborhood**

Proposed New Frey Residence

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Zoning Hearing Transcript: Bound and Submitted Separately

ZONING BOARD OF APPEALS

3300 Central Parkway, Cincinnati, Ohio 45225



APPLICATION FOR APPEAL TO THE ZONING BOARD OF APPEALS

FOR OFFICE USE ONLY

File No. _____
Date Filed _____
Date of Decision _____
Appealed _____
Hearing Date _____
ZBA Decision _____
Date of Decision _____

SUBJECT PROPERTY

ADDRESS 1019 St. Gregory St., Cincinnati, OH 45202

BASE ZONING CLASSIFICATION SF-2

ZONING OVERLAY Hillside District

APPELLANT Kent Bradley Roush Architects, LLC

TELEPHONE 513-321-9242

ADDRESS 4142 Airport Rd., 3rd Floor, Suite 3

CITY Cincinnati

STATE OH

ZIP CODE 45226

EMAIL "shannonroush@aol.com" & "roushcincinnati@aol.com"

OWNER John N., Jr. and Catherine L. Frey

TELEPHONE 513-235-3003/ 513-807-9194

ADDRESS 1119 Wareham Dr.

CITY Cincinnati

STATE OH

ZIP CODE 45202

EMAIL "john.frey@freygaede.com" & "katiefrey29@gmail.com"

AUTHORITY OF APPEAL - Indicate the appropriate section of 1449-03 that qualifies you to make an appeal 1449-03 (a)

NATURE OF APPEAL - I am appealing a decision/order of the (indicate case #): Case #ZH20130123

Director of City Planning and Buildings (1449-13) _____

Zoning Hearing Examiner (1449-15) Mr. Marion E. Haynes, III

Historic Conservation Board (1449-15) _____

JUSTIFICATION FOR APPEAL - Attach a separate sheet explaining in detail the basis of your appeal.

SUBMISSION REQUIREMENTS

1. The applicant is required by Section 1449-15(b) of the Zoning Code to file within 21 days of filing notice of appeal; a complete record of the proceeding along with a transcript of all testimony.

FEES: Residential – 1, 2, & 3, Family – \$500 Multi-Family/Commercial -- \$750

2. Nine copies of the complete case file, including this application and a transcript of any public hearing if applicable.
No submittal will be accepted unless these materials are spiral bound or in a notebook, indexed and all pages numbered.

Signature [Signature] Date JAN 3, 2014

January 3, 2014

Mr. Kent Bradley (Brad) Roush, RA
Kent Bradley Roush Architects, LLC
4142 Airport Rd., 3rd Floor, Suite 3
Cincinnati, OH 45226

City of Cincinnati Board of Zoning Appeals
3300 Central Parkway
Cincinnati, OH 45225

**RE: New Frey Residence
1019 St. Gregory St., Cincinnati, Ohio 45202
Mt. Adams Area, Parcel ID #0073-0001-0062
Zoning Hearing Case #ZH20130123**

To Whom It May Concern,

I am writing as the architect of record for the above referenced project and representing the property owners, Mr. John and Mrs. Catherine Frey, to request an appeal for a portion of the decision of Case #ZH20130123 of the Zoning Hearing Examiner. The specific portion to be considered is in relation to the Left Side Yard Setback. We are requesting an appeal to allow a Left Side Yard Setback of 5.73 feet, v.s. the required 7 feet, to allow the new residence's (redesigned) width of 19'-2". We ask that a variance be granted due to the exceptional practical difficulty posed by any narrower a building width in satisfying a program element consistent with current homes in this home's target price range.

The original Zoning Hearing Examiner's denial included five violations of the zoning code: Left Side Yard Setback, Rear Yard Setback, Front Building Height, Rear Building Height, and Front Projection. We and the Freys, since that decision/ denial, have redesigned the proposed residence and have satisfied/ remedied all but one of the aforementioned violations. With the redesign, the amount of the Left Side Yard Setback violation has been decreased from the original application.

We have reduced the width of the residence to it's narrowest point to still accommodate the front door entry and the turning radius of a car into the home's garage. As designed, a small to standard sized car, with a standard 17 foot turning radius, would only **just barely** be able to make a continuous turn into the driveway and garage. In addition, the turn would need to be initiated from the far opposite side of the street to accommodate the 17 foot radius.

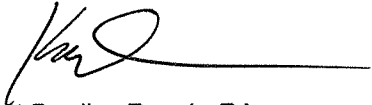
New residences with garages built in the area, in fact built in the same block as the Frey's proposed project, are generally wider than 20 feet, as seen at the following addresses: 1025 St. Gregory St. (23 feet wide), 1003 St. Gregory St. (22 feet wide), and 1029 St. Gregory St. (22 feet wide). The Frey's proposed 19'-2" width will be more than 3 feet narrower than the average width of the '3' cited residences.

Zoning Appeal Letter
New Frey Residence, 1019 St. Gregory St.
January 3, 2013
Page 2 of 2

The residence's appearance of width along the street will be mitigated by the fact that facade is not a flat plane. Only 13'-10" of the facade is at the front setback line before stepping back 1 foot at the first floor and 2 feet at the second floor for the remaining 5'-4" of the building's width. These steps, as well as the window bay projection in the 13'-10" portion of the facade, help to not "flatten" the appearance of the streetscape, which was a concern expressed during the Zoning Hearing.

Thank you for your consideration.

Sincerely,
Kent Bradley Roush Architects, LLC

A handwritten signature in black ink, appearing to read 'Kent', followed by a long horizontal line extending to the right.

Kent Bradley Roush, RA

DECISION
OFFICE OF THE ZONING HEARING EXAMINER
CITY OF CINCINNATI
DATE OF DECISION: DECEMBER 6, 2013

APPLICANT: KENT BRADLEY ROUSH ARCHITECTS, LLC
4142 AIRPORT ROAD, 3RD FLOOR, SUITE 3
CINCINNATI, OHIO 45226

OWNER: JOHN N., JR. AND CATHERINE L. FREY
1136 BELVEDERE STREET
CINCINNATI, OHIO 45202

CASE TYPE: HILLSIDE OVERLAY DISTRICT PERMISSION

CASE NO.: ZH20130123

PROPERTY: 1019 ST. GREGORY STREET

SUMMARY OF REQUEST:

John N., Jr. and Catherine L. Frey ("Freys") wish to construct a new single-family home on the property at 1019 St. Gregory Street, Cincinnati, Ohio 45202 ("Property"). The home exceeds the maximum building envelope requirements of the Hillside Overlay District, and the Owners request permission to construct the home outside the maximum building envelope.

SUMMARY OF DECISION:

Permission to construct a single-family home outside the maximum building envelope is denied. The Freys must design their home to conform to the heights and setbacks required by the maximum building envelope.

PUBLIC HEARING:

After reviewing the application and materials submitted by the Applicant and other concerned persons, and viewing the Property and surrounding area, Marion E. Haynes, the Zoning Hearing Examiner, conducted a public hearing on the application, prior notice of the time and place of the hearing having been published in *The City Bulletin* and mailed to the Applicant and to all abutting property owners and other interested parties.

The hearing was held on December 4, 2013 at 9:00 am. A recording was made of the hearing and is available for review and transcription.

THE RECORD:

1. The Application, Written Statement, and Supporting Materials (5 pages)
2. Site Plan and Drawings (3 pages)
3. November 29, 2013 Email from Mount Adams Civic Association (1 page)
4. Letter from Allen Bernard Submitted at the Hearing (1 page)
5. Testimony of Shannon Roush, the Applicant
6. Testimony of Katie Frey, an Owner
7. Testimony of Lou Albers, a neighboring property owner
8. Testimony of Mary Ellen Horrigan, a neighboring property owner
9. Testimony of Jim Horrigan, a neighboring property owner
10. Testimony of Allen Bernard, a neighboring property owner
11. Testimony Eric Russo, executive director of The Hillside Trust
12. Recording of Hearing Held on December 4, 2013

FINDINGS OF FACT:

The Proposed Home

1. The Property is located in an SF-2 Zoning District and a Hillside Overlay District in the Mt. Adams neighborhood.¹ The Freys want to demolish the existing building on the Property and construct a new single-family home in its place.
2. Development in a Hillside Overlay District must either comply with the district's base development requirements, including the requirement that new structures may not exceed the maximum building envelope, or obtain approval from the Zoning Hearing Examiner.²
3. The proposed home exceeds many of the maximum building envelope setback and height requirements as demonstrated by the following chart:

<u>Setback or Height Regulation</u>	<u>Maximum Building Envelope³</u>	<u>Proposed Dimensions</u>	<u>Amount By Which Dimension Exceeds MBE</u>
Front Yard	3.65 feet	3.65 feet	N/A
Front Projection ⁴	1.0 foot	2.0 feet	1.0 foot
Rear Yard	24.5 feet	20.6 feet	3.9 feet
Side Yard (left)	7.0 feet	4.9 feet	2.1 feet
Side Yard (right)	0.1 feet	0.1 feet	N/A

¹ Cincinnati Municipal Code 1400-17 and Map 1400-17.

² Cincinnati Municipal Code 1433-19 and 1433-21.

³ The maximum building envelope is determined by averaging the setbacks and heights of the structures that abut the property and are on the same street as the property. Heights may equal the average heights of abutting structures or the maximum height permitted in the underlying zoning district, whichever is greater. In this case, 35 feet, the maximum height permitted in the SF-2 Zoning District, is the greater figure and it is used to establish the front height and rear height of the maximum building envelope. Cincinnati Municipal Code 1403-07 and 1433-17.

⁴ Cincinnati Municipal Code 1421-07.

Front Height	35.0 feet	41.27 feet ⁵	6.27 feet
Rear Height	35.0 feet	39.49 feet	4.49 feet

4. The proposed dimensions for the new home also exceed the dimensions of the existing building on the Property. The new home is taller, deeper, and wider than the existing building.
5. The home is designed to maximize its value by incorporating many of the features desired in a modern home including high ceilings, rooftop decks, large living spaces, and indoor parking. Among other things, the dimensions proposed allow for the integration of a tandem two-car garage and third-floor living space. The reduced rear yard setbacks provide for decks found at the rear of the new home. And, the front and rear heights provide for the construction of a rooftop access and rooftop deck.
6. The home's rear decks are constructed on piers, thereby reducing the excavation necessary for their construction. In addition, the decks are open to minimize their impact on neighbors' views.

Public Input

7. The Owners' plans are opposed by several neighbors, the Mount Adams Civic Association, and The Hillside Trust. These groups each echo the same concerns.
8. They point out that the new home will block or obscure the views of properties within its vicinity. They note that property values on Mt. Adams depend heavily on hillside views and vistas, which are cherished and passionately defended by residents and property owners. They contend that every additional foot afforded to the Freys comes at the expense of their views and, accordingly, their property values.
9. They also believe that the new home significantly deviates from neighboring development patterns and ignores the hillside's slope and topography. Citing the diversity and visually appealing pattern of the buildings found on the downward-sloping St. Gregory Street, these groups argue that construction of the home would degrade the neighborhood's character and ambiance by flattening the development pattern on the street, giving it a horizontal orientation. This, they believe, will negatively impact the significant property values in the area.

⁵ This dimension represents the tallest point of the home as measured from street level. The home's front façade meets the zoning code's height requirement but certain portions of its roof and rooftop elements rise above the maximum building envelope.

CONCLUSIONS OF LAW:

Standard for Zoning Relief

1. When development in a Hillside Overlay District fails to conform to the district's base development requirements, a property owner must demonstrate that the proposed development is in harmony with surrounding buildings and the hillside environment. This determination is made after considering the Hillside Overlay District's base development requirements and development standards, and the Cincinnati Hillside Development Guidelines.⁶

Hillside Analysis (Cincinnati Municipal Code 1433-23)

2. The Freys did not demonstrate that their proposed home is in harmony with surrounding buildings and the hillside environment upon consideration of the Hillside Overlay District's base development requirements and development standards, and the Cincinnati Hillside Development Guidelines. Though the home meets some of the goals found in the base development requirements and development standards, the evidence, or lack thereof, demonstrates that many important goals are not met. Particularly, the evidence does not show how the setbacks and heights proposed by the Freys conform to Cincinnati Hillside Development Guidelines Nos. 3, 19, 21, or 25.

The home proposed by the Freys certainly meets many of the applicable base development requirements and development standards established by the zoning code. It is taller than wide; it does not incorporate tall retaining walls or require significant cuts to or excavations of the hillside; and it does not appreciably impact the hillside brow or existing vegetation.

But the home exceeds the maximum building envelope in several respects. As the chart previously provided demonstrates, it is taller, wider, and deeper than permitted. And it conflicts with several relevant Cincinnati Hillside Development Guidelines. These guidelines pertain to development patterns, stepping and topography, and views:

Guideline No. 3: Plan development to fit the visual composition of the hillside wall in which it would occur or demonstrate that positive improvement would result from modifying it.⁷

The Freys did not demonstrate how their project fits within the existing visual pattern of the hillside considering patterns of existing development and other visual conditions, and they did not demonstrate that positive improvement would result from modifying this pattern. When, as here, new development is substantially taller, wider, and deeper than nearby homes, equally substantial evidence is needed to demonstrate that the extra height, width, and depth cause

⁶ Cincinnati Municipal Code 1433-19, 1433-21, and 1433-23.

⁷ p. 14 of the Cincinnati Hillside Development Guidelines.

the home to fit within a larger visual context or to improve the larger visual context.

But the evidence presented does not demonstrate that the Freys' home conforms to the pattern of existing development on the street and neighboring vicinity. It also does demonstrate how the home fits with, or improves upon, the visual pattern of the district. Indeed, aside from supplying the footprint and dimension of neighboring homes, the Freys did not provide any context from which a neighborhood context may be determined. The only evidence that addresses this guideline is the testimony of neighbors and The Hillside Trust which supports the conclusion that the home will harm the visual composition of the hillside and the existing pattern of development on the street by exceeding the scale of buildings commonly found on the street.

Guideline No. 19: Stagger or step building units according to the topography.⁸

Guideline No. 25: Plan buildings, drives and parking areas to acknowledge the natural contour lines of the site.⁹

The Freys also failed to demonstrate that their home is staggered, stepped, or sited to preserve and express topography. Again, the Freys' new home is substantially taller, wider, and deeper than those on immediately adjacent parcels. But the Freys provided no context to demonstrate that the additional height, width, or depth causes the building to fit within the larger hillside picture.

The evidence on this point suggests the opposite conclusion. On its face, a building located on a street with a consistent downward slope that is taller, wider, and deeper than those around it leads to the presumption that it does not relate to existing topography. The extra mass and height smooth the shape of the hillside instead of emphasizing it.

This presumption is further supported by the neighboring property owners' testimony which indicates the Freys' proposed home would mitigate the street's slope and flatten its appearance. This result would directly conflict with guidelines that call for hillside topography to be highlighted, not hidden.

Guideline No. 21: Site buildings not only to provide views, but also to provide a variety of community and private viewing places.¹⁰

Another problem with the Freys' project is its impact on community and private viewing places. Though it is difficult to construct a new home on a steep hillside without impacting public and private views, unnecessarily impacting views may

⁸ p. 28 of the Cincinnati Hillside Development Guidelines.

⁹ p. 35 of the Cincinnati Hillside Development Guidelines.

¹⁰ p. 32 of the Cincinnati Hillside Development Guidelines.

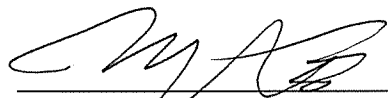
be avoided by following the base development requirements of the Hillside Overlay District and specifically the maximum building envelope. And, though there may be exceptions to meeting the strict requirements of the district and the maximum building envelope—i.e. situations that allow for the preservation of views or that do not appreciably impact views—the Freys did not demonstrate that an exception achieves any of the hillside guidelines' goals. Indeed, given the density of the development surrounding the Property, the evidence demonstrates that the extra height, width, and depth of the Freys' home serves only to limit the views of the public and of neighboring property owners beyond that which is permissible under the zoning code.

In conclusion, the Freys seek to construct a home that does not fit the greater hillside context, disregards hillside stepping and topography, and unnecessarily limits the views of others. And the evidence presented does not justify these conditions or rebut the testimony of neighbors and The Hillside Trust which underlines the home's failure to conform to hillside standards and guidelines. Though the home may only exceed the maximum building envelope setback and height requirements by a few feet, those feet must be closely scrutinized in neighborhood where every inch is prized. The Freys have not met their burden and their project is not entitled to approval.

DECISION:

Hillside development permission pursuant to Cincinnati Municipal Code 1433-21 permitting construction of the proposed home is hereby **DENIED**. The Freys must design their home to conform to the heights and setbacks of the maximum building envelope.

ORDERED THIS 6th day of December, 2013.



Marion E. Haynes
Zoning Hearing Examiner

APPEALS:

This decision may be appealed to the Zoning Board of Appeals, pursuant to Chapter 1449 of the Zoning Code. Appeals must be filed within 30 days of the date of the mailing of this decision.

TRANSMITTED this 6th day of December, 2013 by certified mail to:

**KENT BRADLEY ROUSH ARCHITECTS, LLC
4142 AIRPORT ROAD, 3RD FLOOR, SUITE 3
CINCINNATI, OHIO 45226**

TRANSMITTED this 6th day of December, 2013, by interdepartmental mail to Rick Schriewer and Rodney Ringer at the Permit Center.

CITY OF CINCINNATI
DEPARTMENT OF BUILDINGS AND INSPECTIONS
DIVISION OF LICENSES AND PERMITS
RECEIPT

R201400149

CONTRACTOR:

Payment By Other (Applicant)

RE: PROPERTY LOCATED AT: 1019 ST GREGORY ST CINC

PERMIT NUMBER: 2014P00384

TYPE: CBPCMFEE Miscellaneous Fees Rcpt

SUB TYPE: ZBA

NOTATION: ZBA - 1019 ST GREGORYST

TRANSACTION DATE: January 6, 2014

TOTAL PAYMENT: 500.00

TRANSACTION LIST

Type	Method	Description	Amount
Payment	check	10073	500.00

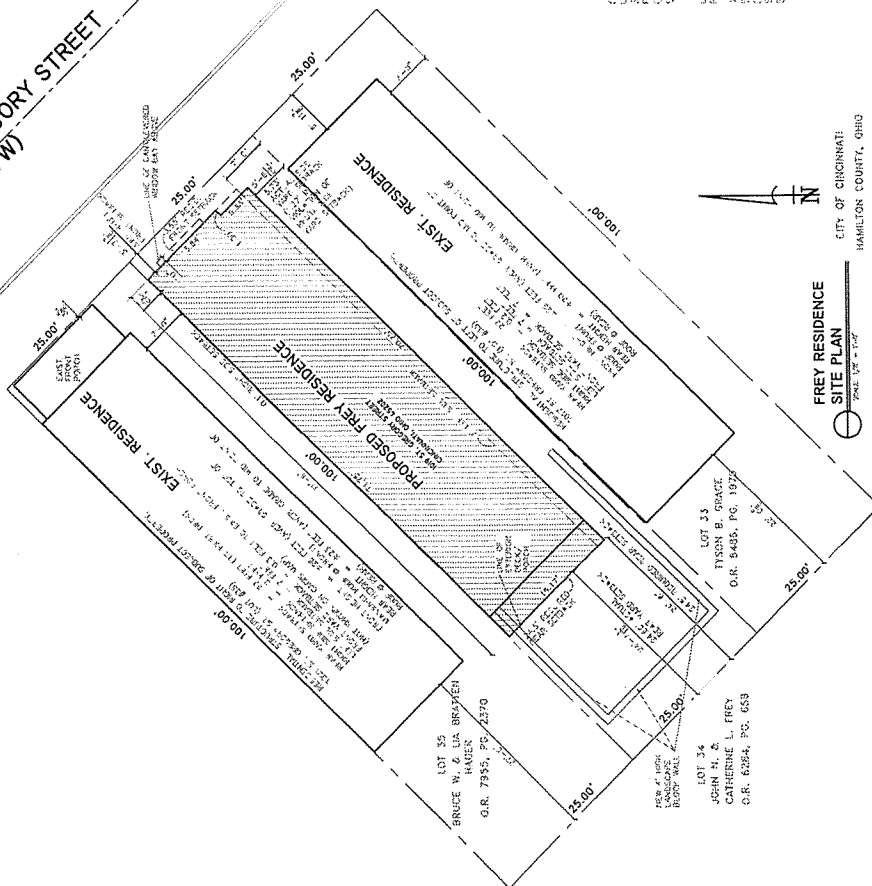
ACCOUNT ITEM LIST

Item#	Description	Account Code	Tot Fee	Paid rev.	Pmts Cur.	Pmts
1138	Zoning Board of	050-172-2000-8761	500.00	500.00	.00	500.00

ISSUED BY: ACARROLL
DATE: January 6, 2014

AVC
12:22 PM

Pg. 12



DATE/ REVISIONS:

01/04/16 REV. PRELIMINARY

Kent
Bradley
Roush
Architects,
LLC

6412 Airport Road

3rd Floor, Suite 3

Cincinnati, Ohio 45226

513-351-9242

PROPOSED FREY RESIDENCE

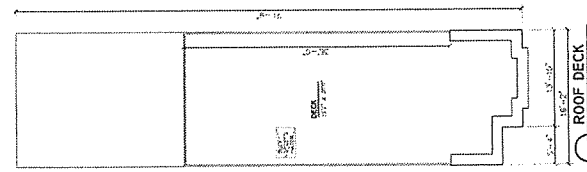
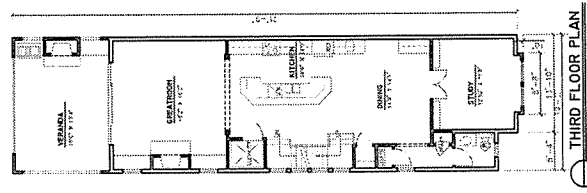
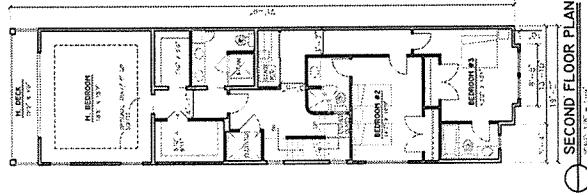
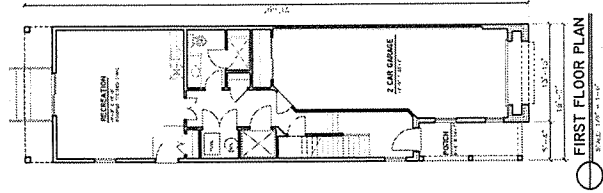
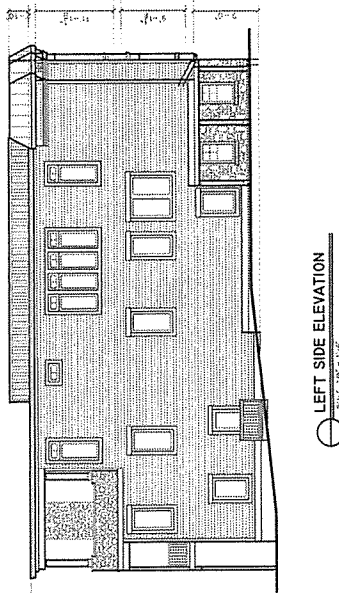
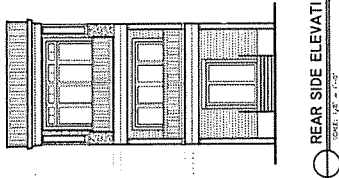
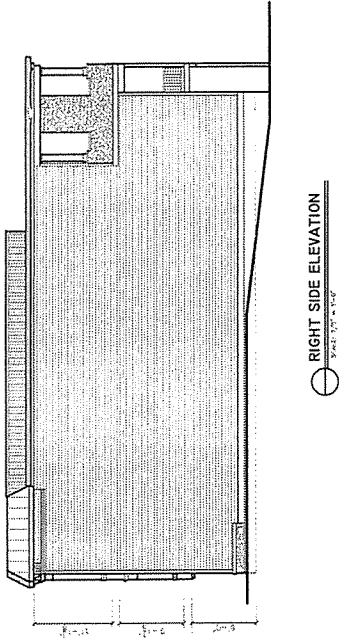
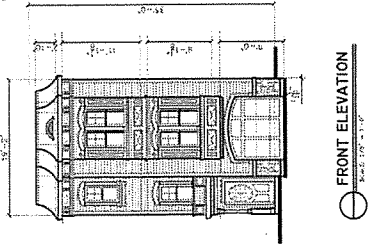
1019 ST. GREGORY STREET
CINCINNATI, OHIO 45202

SEAL:

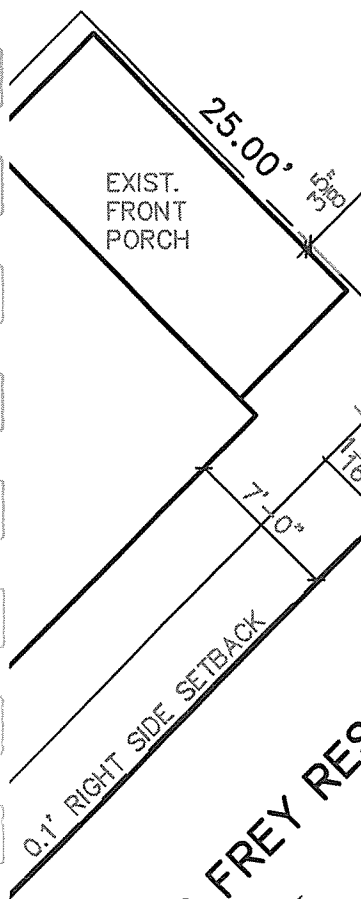
DRAWING #:

AI

OF



REVISED BUILDING DESIGN 1/4/16
(SEE PROVIDED FULL-SIZED
COPIES / DWGS.)



EXIST.
FRONT
PORCH

25.00'

PROPOSED FREY RESIDENCE
1010 ST. GREGORY STREET
CINCINNATI, OHIO 45202

3'-7 13/16"
3.65' REQ'D.
FRONT SETBACK

R17'-0"

17'
STANDARD
CAR TURNING
RADIUS

ST. GREGORY
(50' R/W)

FREY RESIDENCE
PARTIAL SITE PLAN

SCALE: 1/8" = 1'-0"

13.84'
25.00'
1.00'
5.33'
5'-8 13/16"
5.73'
ACTUAL SIDE
YARD SETBACK
(1.27' VIOLATION OF
REQ'D. SIDE
YARD SETBACK)

25.00'



CITY OF CINCINNATI
HAMILTON COUNTY, OHIO

**CITY BULLETIN NOTICE
11/26/2013**

**PUBLIC HEARING
BEFORE THE
ZONING HEARING EXAMINER
WEDNESDAY, DECEMBER 4, 2013, AT 9:00 AM
3300 CENTRAL PARKWAY
CINCINNATI, OHIO**

* * * *

Case No.: ZH20130123

Location: 1019 ST. GREGORY ST

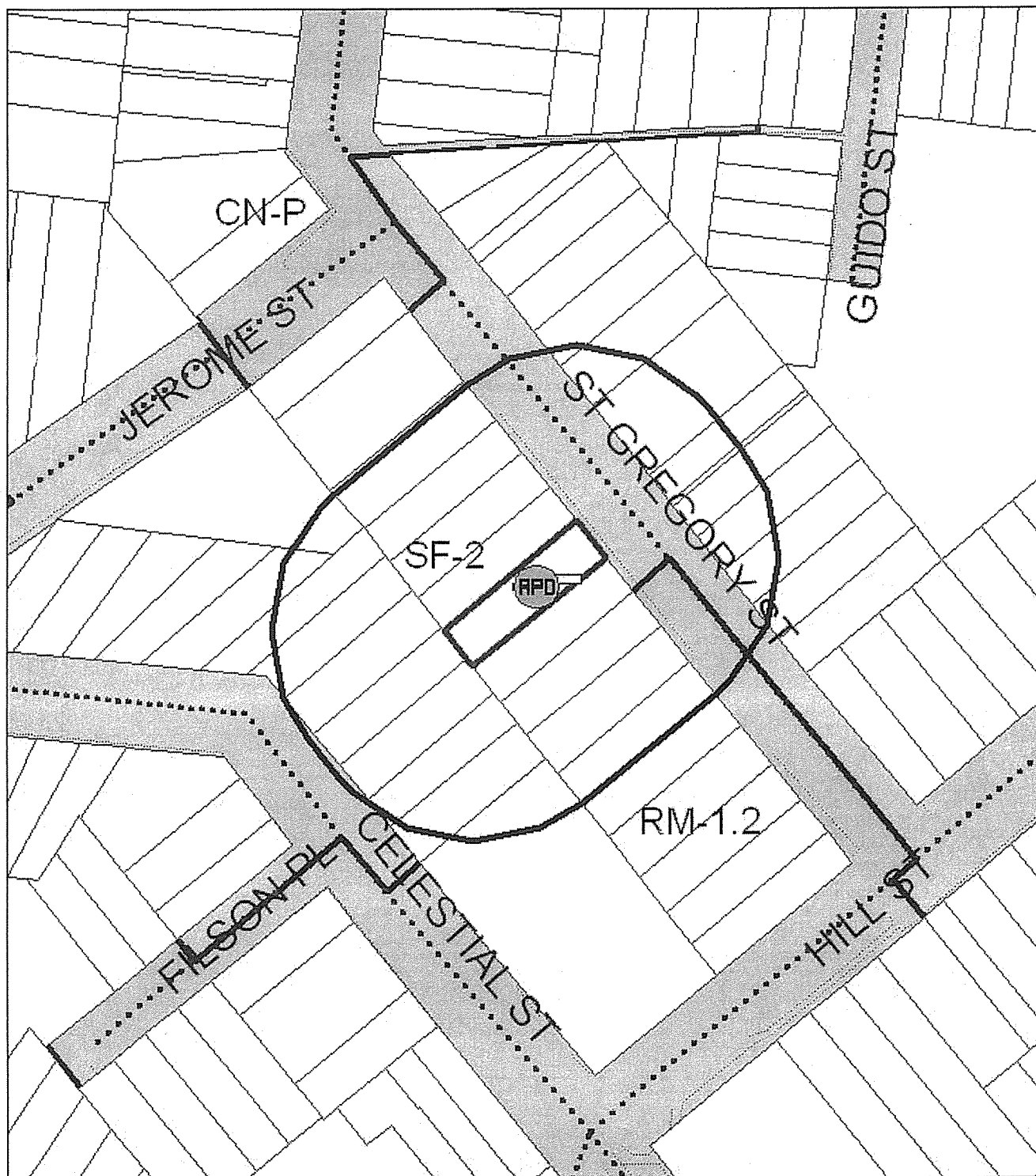
Applicant: KENT BRADLEY ROUSH

Owner: JOHN N. & CATHERINE L. FREY

Re: The owners request hillside overlay district permission to construct a new single-family home that exceeds the maximum building envelope in the left side yard (+2.9') and rear yard (+3.9'), at the front height (+6.27') and rear height (+4.49'), and in the front projection (+1.0'). Any other related relief required under the zoning code will be considered.

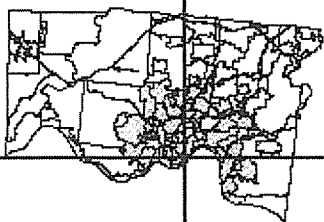
District: SF-2 Single Family zoning district; Hillside Overlay district

Marion Haynes, Zoning Hearing Examiner
Department of Law
Office of Zoning Hearings
City of Cincinnati
(513) 352-4894



MAP CREATED FOR: MHAYNES

DATE: 11/19/2013 11:49:42



*This map was created using the CAGIS System .
The City of Cincinnati, Hamilton County or the
Cincinnati Area Geographic Information System
do not assume any legal responsibilities for the information
contained in this map. Users noting errors or omissions
are encouraged to contact the CAGIS.*

CAGIS
138 E COURT ST, ROOM 1003
CINCINNATI, OH 45202
(513) 352-1656

OFFICE OF THE ZONING HEARING EXAMINER



ZONING HEARING EXAMINER APPLICATION

MOUNT ADAMS

FOR OFFICE USE ONLY

File No. ZH20130123
Date Filed _____
Type _____
Legal Ad _____
Hearing Date _____
Decision _____
Date of Decision _____

SUBJECT PROPERTY

ADDRESS 1019 St. Gregory St., Cincinnati, OH 45202

BASE ZONING CLASSIFICATION SF-2

ZONING OVERLAY Hillside District

APPLICANT Kent Bradley Roush Architects, LLC TELEPHONE 513-321-9242

ADDRESS 4142 Airport Rd., 3rd Floor, Suite 3

CITY Cincinnati STATE OH ZIP CODE 45226

OWNER John N., Jr. and Catherine L. Frey

TELEPHONE _____

ADDRESS 1136 Belvedere St.

CITY Cincinnati STATE OH ZIP CODE 45202

TYPE OF REQUEST Special Exception Zoning Variance

NATURE OF APPLICATION - Briefly describe application request referencing appropriate section of the Zoning Code.

Request for variance of side, and rear yard setbacks, maximum height, and maximum front projection required by Section 1433-17,

Maximum Building Envelope Determination in Hillside Overlay District.

List case numbers of all applications filed within the past three (3) years pertaining to any portion of subject property.

SUBMISSION REQUIREMENTS

1. A written statement explaining the request to the Zoning Hearing Examiner.
2. Supporting documents, see list on reverse side.
3. Fee \$300 Submit materials to: Business Development & Permit Center, 3300 Central Pkwy, Cinti., OH 45225.

I have read and complied with the submission requirements and affirm that all statements contained herein are true and correct.

Signature Kent Bradley Roush

Date 10/28/13

Kent
Bradley
Roush
Architects,
LLC

4142 AIRPORT ROAD
3RD FLOOR, SUITE 3
CINCINNATI, OHIO
45226

513 321-9242

October 28, 2013

Mr. Kent Bradley (Brad) Roush, RA
Kent Bradley Roush Architects, LLC
4142 Airport Rd.
3rd Floor, Suite 3
Cincinnati, Ohio 45226

City of Cincinnati Board of Zoning Appeals
3300 Central Parkway
Cincinnati, Ohio 45225

RE: New Frey Residence
1019 St. Gregory St., Cincinnati, Ohio 45202
Mt. Adams Area
Parcel ID #0073-0001-0062

To Whom It May Concern,

I am writing, as the architect of record for the above referenced project and representing the property owners, Mr. John and Mrs. Catherine Frey, to request **Special Exception** variances be granted with regards to Section 1433-17, Maximum Building Envelope Determination for Hillside Districts, of the City of Cincinnati Zoning Code. The subject property, located at 1019 St. Gregory St. in the Mt. Adams area, is in an 'SF-2' zoning district with Hillside District Overlay. I ask that variances be granted to allow for the following conditions of the new single-family residence:

- 1) Left Side Yard Setback of 4.90 feet (vs. 7 feet as calculated by Maximum Building Envelope average of '2' neighboring properties). This represents a 2.90 foot violation.
- 2) Rear Yard Setback of 20.60 feet (vs. 24.50 feet as calculated by Maximum Building Envelope average of '2' neighboring properties). This represents a 3.90 foot violation.
- 3) Front Building Height to new Roof Access Foyer of 41.27 feet as measured from grade at the front of the building to top of flat roof at the Roof Access Foyer. This represents a 6.27 foot violation.
- 4) Rear Building Height of 39.49 feet as measured from the grade at the rear of the building to the top of the Veranda roof eave. This represents a 4.49 foot violation.
- 5) Front Projection of 2 feet (vs. 1 foot) at cantilevered window bay into the Front Yard setback. This represents a violation of 1 foot.

The design of the new residence is geared towards providing a new structure whose program elements are comparable to the current market expectations and property values in the Mt. Adams neighborhood. The subject lot is currently occupied by a small single-family residence which was built in 1870 and is only 15.1 feet wide. The existing residence, which is to be demolished, is quite small and in disrepair. With regards to the left side setback violation, the new design's 20' proposed house width would allow for interior garage parking. This is an advantage in the Mt. Adams neighborhood where parking is at a premium and an program element which is expected for current homes in this home's target price range. In addition, even at the 20' width, the height of the structure still greatly exceeds its width. Therefore, proposed residence will still satisfy the intent of the zoning code in the Hillside District to require structures to have more of a vertical orientation.

Zoning Variance Request
New Frey Residence
1019 St. Gregory St., Cincinnati, OH
Page 2 of 2

A mitigating factor of the effects of the rear setback violation is with regards to the nature of the portion of the structure which is in violation. The portion of the house which extends into the setback by 3.90 feet is a open wood deck area at the second floor, and an open veranda at the third floor. Each of these structures, with no solid walls at the sides or rear, are more transparent and will not obscure the views of neighboring properties. Also, since these portions of the home are built on deck structures, the only impact at the ground are '2' deck piers. This works to maintain another intent in the zoning code to minimize the footprint in site areas susceptible to sliding.

The effects of the front height violation to the rooftop Deck Access Foyer are mitigated by the location of this structure on the house. The Access Foyer structure is located roughly halfway between the front and rear of the house. This location allows for views to be largely maintained over both the rear and front of the new home from neighboring properties. It should be also noted that the building height at the very front of the building is the required 35 feet maximum since the Deck Access Foyer is located a good distance back from the front of the home.

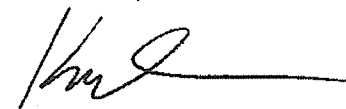
As is with the case with the proposed building's width as stated earlier, current market and price range expectations, specifically regarding floor/ ceiling heights, necessitate the need for a variance for the rear building height. Where in the past, ceiling heights of 8 feet were common, homes in the current market/ price points of this area are very often 9 feet, 10 feet and higher. The higher ceiling heights also contribute to the greater vertical to horizontal ratio, which as stated earlier, contribute to the more vertical orientation encouraged by the Hillside Overlay District's intent.

The front bay cantilever is at the second floor of the home. This location thus would not interfere with the access to the front of the house at the street.

The character of the neighborhood and delivery of governmental services would not be substantially altered since the use of the lot will not change, i.e. it is to accommodate another single-family residence. The ability of the proposed structure to accommodate vehicle parking within the structure will actually allow for easier emergency access to this and neighboring structures/ properties. This is a condition that is particularly critical in a narrow, steep streets in a neighborhood like Mt. Adams.

Thank you for your consideration.

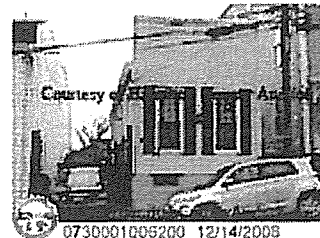
Sincerely,
Kent Bradley Roush Architects, LLC


Kent Bradley Roush, RA

Dusty Rhodes, Hamilton County Auditor generated on 11/7/2013 9:05:34 AM (EST)**Summary**

Parcel ID	Address	Index Order	Card
073-0001-0062-00	1019 ST GREGORY ST	Street Address	1 of 1

Tax Dist	001 CINTI CORP-CINTI CSD-001110	Year Built	1870
School Dist	1 CINCINNATI CSD	Total Rooms	6
Land Use	520 Two family Dwlg	# of bedrooms	2
Finished Square Ft.	910	Full Bathrooms	2
Acreage	0.061	Half Bathrooms	0
Appraisal Area	MT ADAMS 01600 MT ADAMS		

Sales**Property Information**

1019 ST GREGORY
25 X 100
LOT 34 HARVEY HALLS SUB

Owner Information

Call 946-4015 if Incorrect
FREY JOHN N
& CATHERINE L
1136 BELVEDERE
CINCINNATI, OH 45202 USA

Mail Information

Call 946-4800 if Incorrect
FREY JOHN N
& CATHERINE L
1136 BELVEDERE
CINCINNATI, OH 45202 USA

Board of Revision

Rental Registration
Homestead
2.5% / Stadium Credit
New Construction
Foreclosure
Date
Conveyance #
Sale Amount
of Parcels
Deed Type
Deed Number

Yes(12)

No

No

No

No

No

6/12/2013

52260

\$216,000

1

16 SV-Survivorship Deed

288629

Other Assessments

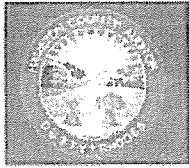
Front Ft. 25.00
Mkt Land Value 215,000
Cauv Value 0
Mkt Impr Value 10,000
Mkt Total Value 225,000
Total TIF Value 0
Abated Value 0
Exempt Value 0
Taxes Paid \$5,306.96
(See Payments Tab For Details)

Tax as % of Total Value 2.256%

Note

- 1) 7/31/08 bor #07-102645 no change
- 2) 12/13/11 bor 10-403857 decrease to 225,000
- 3) 6/8/12 bor #11-506937 decrease to 225,000

Data updated on 11/06/13



Dusty Rhodes, Hamilton County Auditor

Map

Parcel ID	Address
073-0001-0062-00	1019 ST GREGORY ST

Index Order
Street Address

Parcel Info

- Summary
- Residential
- Levy Info
- Improvements
- Commercial
- Transfer
- Value History
- Board of Revision
- Payments
- Image
- Map
- Assessment Payoff
- Property Report
- CAGIS Online
- *Beta*

Aerial Imagery

Search By


Parcel ID
Owner
Street Address
Sales
Advanced Search

Site Functions

[Comments](#)
[On-Line Help](#)
[Home](#)
[Auditor's Home](#)

New Map Search

Click Map To:

Zoom In 

Zoom Level:

1x ▼

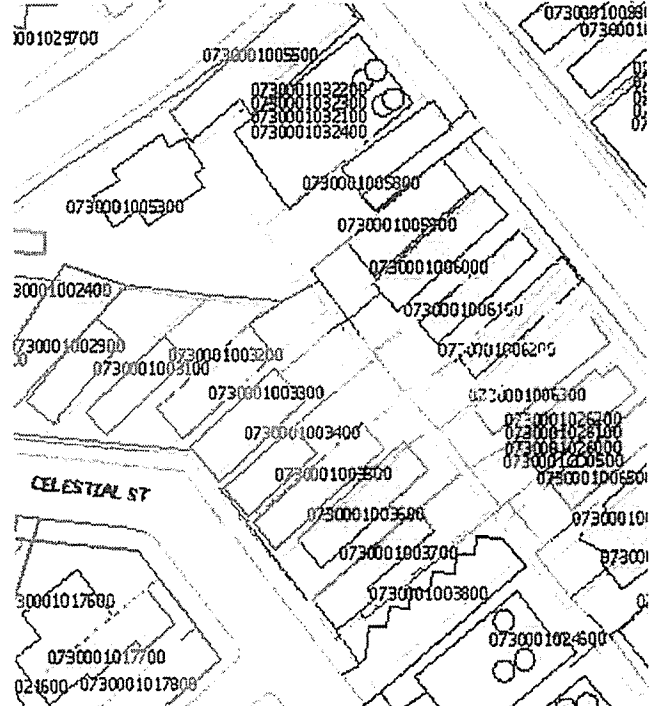
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Map Layers:

- ☒ Rivers
- ☒ Stream
- ☒ Buildings
- ☒ Condos
- ☒ Parcels
- ☒ Parcels With Labels
- ☒ Fence
- ☐ Class2 Roads
- ☒ Class1 Roads
- ☒ Streets
- ☒ Driveways
- ☒ Parking
- ☒ Sidewalk
- ☒ Pavement

New Map Search

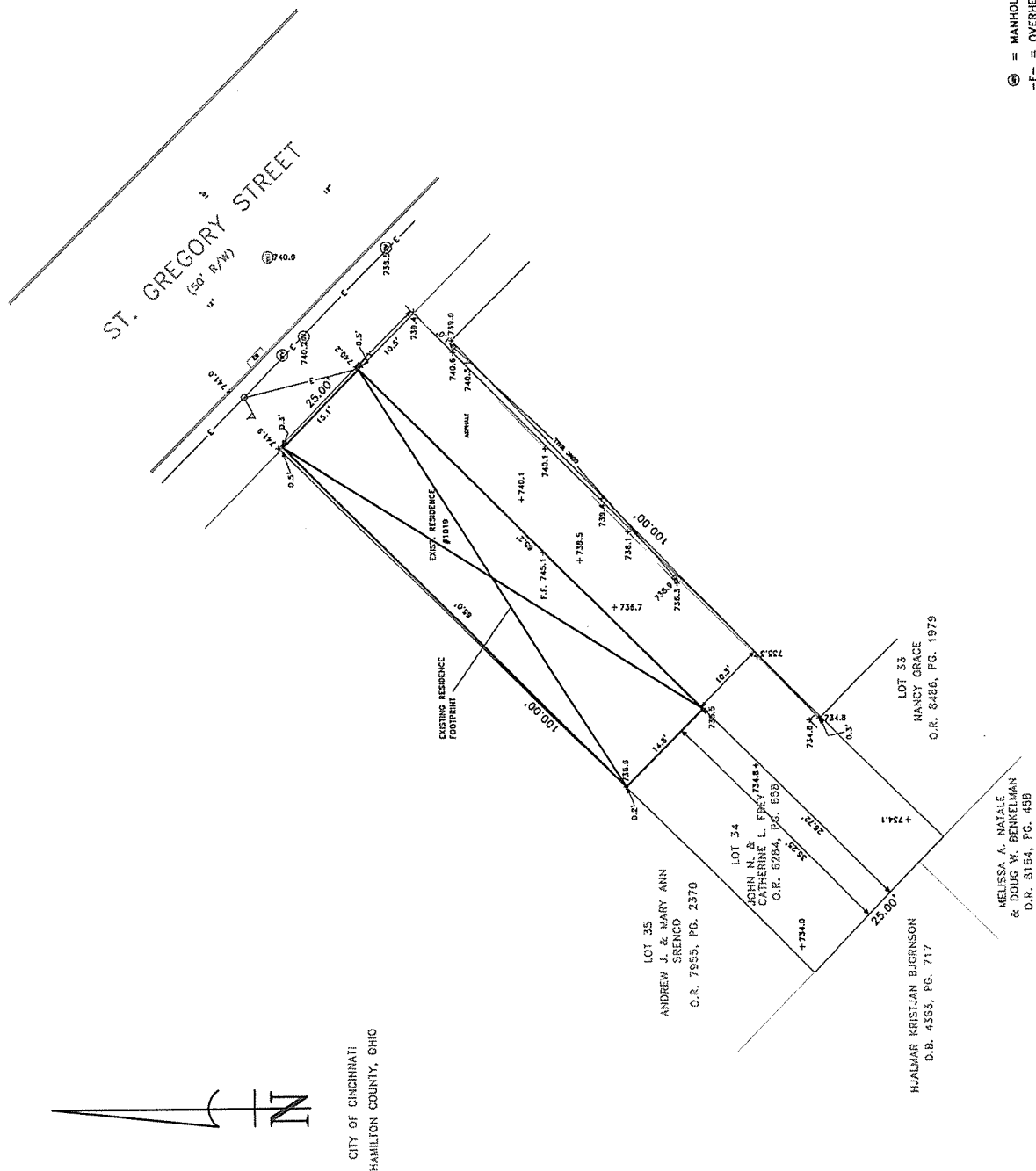
- Note - A parcel will be outlined if found in the map



- Map Data provided by the office of Theodore B. Engineer

<< First < Previous Next > Last >>

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NORDLOH & ASSOCIATES, INC.
SURVEYING AND MAPPING
614 WOOSTER PIKE
TEARACE PARK, OHIO 45174

⑤ = MANHOLE
E- = OVERHEAD UTILITIES

SITE PLAN
1019 ST. GREGORY STREET

LOT 34 OF HARVEY HALL'S SUBDIVISION; D.B.
122, PG.182; 73--1--62

SCALE 1" = 10'

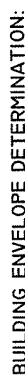
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DRAWN BY
REVISED BY

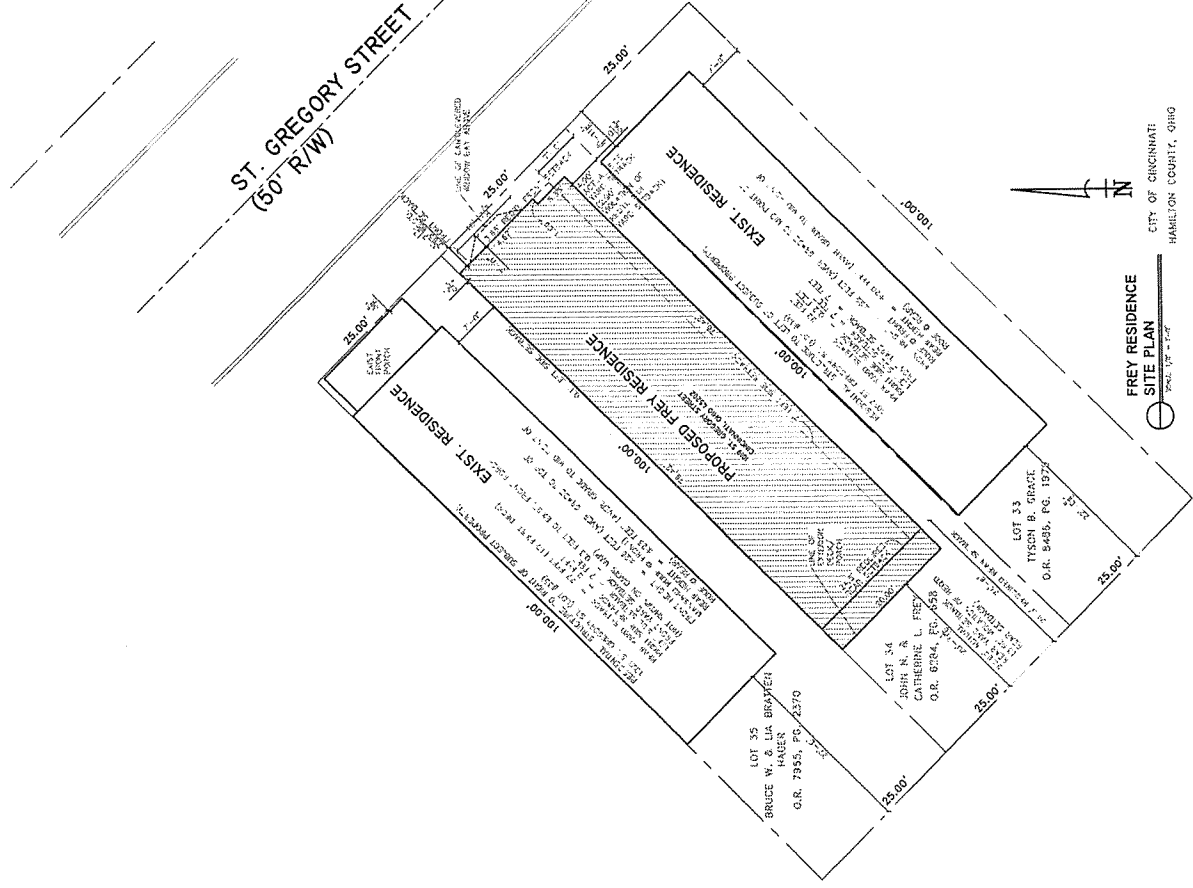
21293

SEE PROVIDED FULL-SIZED
C.O.F. 10.15

Pa. 23



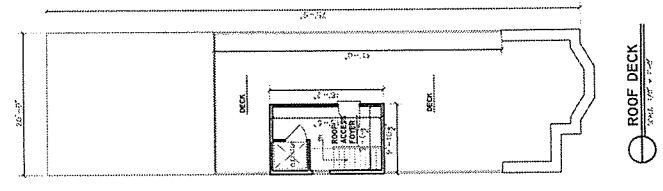
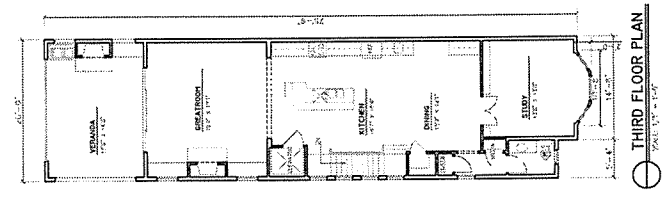
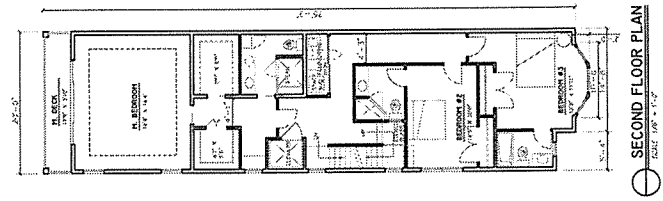
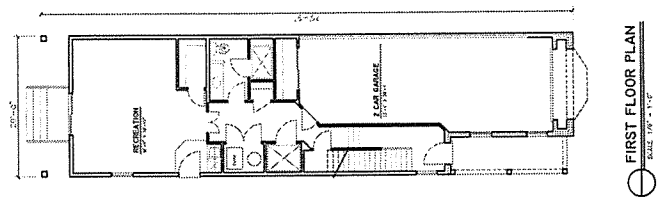
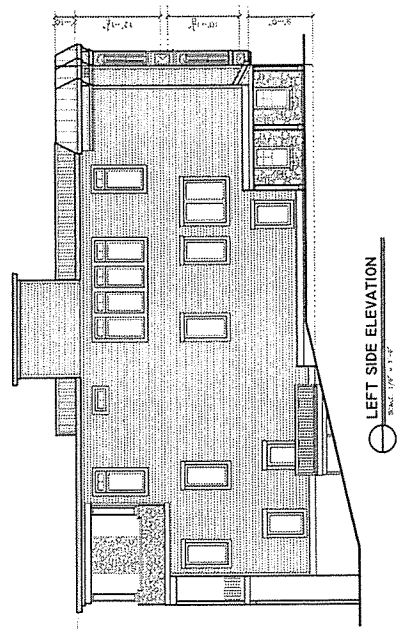
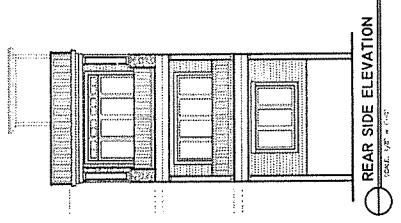
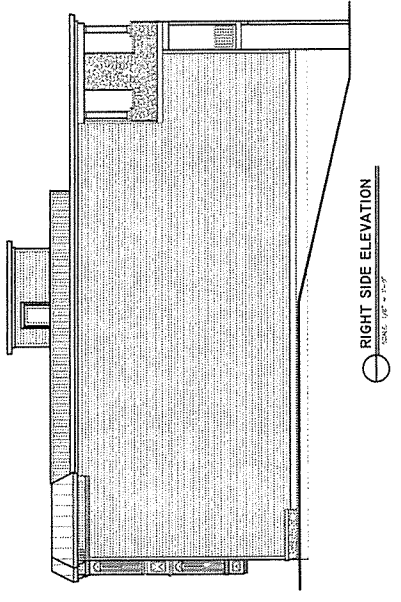
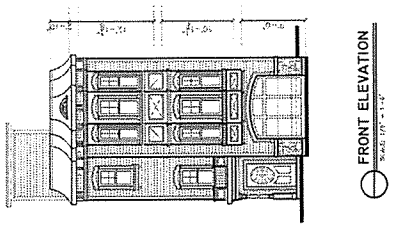
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TEST	1	2	3	4	5	6																																																																																														



DATE/REVISIONS:	Kent Bradley Roush Architects, LLC 6142 Airport Road 3RD FLOOR, SUITE 3 CINCINNATI, OHIO 45226 TEL: 321-4924
10/28/13 PRELIM.	

PROPOSED FREY RESIDENCE
 1019 ST. GREGORY STREET
 CINCINNATI, OHIO 45202

SEAL:	DRAWING #:
	AI
	OF



ORIGINAL BUILDING DESIGN 10/28/13
 SEE PROVIDED FULL-SIZED
 COPIES / DWGS.

Rodney Ringer
rodney.ringer@cincinnati-oh.gov
Re: Case Number: ZH20130123
1019 St. Gregory Street

Since I have been unable to reach you by telephone, I am submitting the following for consideration at the above stated hearing,

I am a resident of 1011 Jerome Street in Mt. Adams and have been so for forty years; During that time I have consistently seen multiple buildings including illegal balconies rise higher and higher, violating various hillside ordinances that were carefully crafted and constructed over the years. At times, acting on political influences, the City Council even over-ruled committee recommendations in order to construct higher than allowed structures . In other instances, roof top decks were constructed after the construction permits as developers told their clients that this was the accepted way to get around permits.

The rear height of the proposed building will effectively destroy the small view that I have of the eastern hills that bend along the Ohio River. Intersecting angles, varied heights, and narrow widths have traditionally characterized Mt. Adams properties creating a unique collage of buildings that are visually appealing. If this structure is approved, St. Gregory Street buildings will appear as a single horizontal line of structures when viewed from above. The various regulations were developed with consideration of the historic and built structures unique to hillsides. It is important that these be followed to preserve this hillside urban neighborhood.

As a long-term resident of Mt. Adams, I disapprove of the "zoning relief" characterized by these variances.

Respectfully submitted,

Allen W. Bernard
1011 Jerome Street
Cincinnati, OH 45202

Haynes, Marion

From: kjmeier@fuse.net
Sent: Friday, November 29, 2013 6:49 PM
To: Haynes, Marion
Cc: James V. McCarty; Chad Belt; Christina Russo
Subject: ZH 20130123

Hon. Marion Haynes
ZHE, City of Cincinnati

Dear Hon. Haynes:

I am writing in my capacity as Chair of the Mount Adams Civic Association Board of Planning and Development relative to the above application.

This Chair hand-delivered a Notice of Review of Application to the Applicants/Owners, John N. Frey and Catherine L. Frey which was conducted on November 29, 2013, at 5 p.m. at the Next Chapter, Mount Adams, Cincinnati, OH. Neither owner attended the session.

Accordingly, our Board objects to the within Application for Permission for variances which would block views of neighbors and would introduce a sightline into the neighborhood that is out of context with the present street housing..

Respectfully submitted,
Kurt J. Meier, Chair

TRANSCRIPT
Office of the Zoning Hearing Examiner
City of Cincinnati
December 4, 2013, 9:00 AM EST
Case #ZH20130123

Participants:

Marion E. Hayes
Shannon Roush
Katie Frey
Lou Albers
Mary Ellen Horrigan
Jim Horrigan
Allen Bernard
Eric Russo

Transcript of the Hearing:

Introduction

MARION HAYES: Good morning, the December 4, 2013 session of the zoning hearing examiner is now brought to order. My name is Marion Hayes, I am the zoning hearing examiner for the city of Cincinnati, and I will preside over this hearing. The purpose of this hearing is to allow applicants and all interested people to testify and review all evidence and testimony. This hearing will follow the rules found in the zoning code, and the supplemental rules of the zoning examiner.

Also, this is a record hearing. All available testimony and evidence that applicants or any interested party wishes to offer must be presented at this hearing. For those represented by an attorney, special rules regarding cross-examination apply. All persons providing testimony will be sworn prior to testimony. Before testifying, you must clearly state your first and last name, and your personal address or business address for the record. Please speak clearly and refrain from speaking to other parties. It is my responsibility to maintain decorum (?) at all times during the hearing, no one has the right to speak from the audience, and I have the right expel any person exhibiting a lack of decorum or disruptive behavior.

The hearing will proceed as follows: each case will be called in the order it was noticed. After a case is called, I will call the applicant to present its case. The applicant will have 15 minutes, and I may grant one extension after the fifteen minutes. If Department staff has provided a report on the item being considered, and is present, I will call on the Department staff to present its report. Department staff will have 15 minutes to present its report—sorry, will have 10 minutes to make its presentation. I will then ask if there are members of the public who wish to speak on the application. The timelines for each speaker will be a total of 5 minutes each. I will next offer the applicant to offer any rebuttal or closing argument, which last a total of 5 minutes. Following these presentations, I will close the hearing on the case. After all the cases have been heard, I will close the hearing. The decisions will be given by the end of the week. I may limit or exclude any testimony deemed irrelevant or considered outside the scope of the application being considered. I may interrupt any speaker to ask questions or make comments; such interruptions will not be deducted from the timelines I previously mentioned. I may also refuse to consider hearsay testimony or documents, this mean the evidence you wish to introduce was stated by a person who is not present at this hearing, or document that includes a statement of a person not present at this hearing.

Finally, a sign-in sheet for each case is located at the table at the entrance to the hearing room. Please sign in. I have the right to exclude testimony of anyone who fails to sign-in.

ZH20130123 – Hearing

HAYES: Ok, the next case this morning ZH20130123, this case concerns the property at 1019 St. Gregory Street. The applicant is Ken Bradley Roush Architects on behalf of the owners of the property John and Catherine L. Frey.

Good morning, please raise your right hand. Do solemnly swear to tell the truth, whole truth and nothing but truth in your testimony?

SHANNON ROUSH: Yes.

HAYES: Alright. Please provide your first and last names, and your personal or business addresses.

ROUSH: I am Shannon Roush with Ken Bradley Roush Architects, 4412 Airport Road, Cincinnati 45226.

CATHERINE FREY: And I am Catherine Frey, 1119 Wareham Drive, Cincinnati, OH 45202.

HAYES: Ok, let me uh—put 15 minutes on the clock. And Ms. Roush whenever you are ready.

ROUSH: Great, I am Shannon Roush with Ken Bradley Roush Architects, we are the architects for this project for the Frey's. The Frey's have bought the lot at 1019 St. Gregory—

[INAUDIBLE]

...1019 St. Gregory St. They bought the lot there. The lot is presently inhabited by a small single family home...the existing residence plans to be demolish and they are proposing to put a new single family residence on the lot. So, the use of the lot is for their new home. We are asking you for envelope setback in width and height with regards to the maximum building code, one being an 11-yard setback of 4.9 feet versus the 7 foot, and that would be a violation of 2.1 foot. A rear setback of 20.6 feet, represents a 3.9 foot violation. Front building height at the roof access foyer, what I mean by that is at the top of the structure not the side elevation 42.27, a 6.27 foot violation. A rear building setback of 39.49 foot, which represents a 4.49 foot violation at the Miranda roof.

ROUSH: Just so I understand, are you coming up with the front height figure, the 6.27, from taking this point at the front of the house and the highest point of the structure here?

HAYES: Correct, correct.

ROUSH: So it's this line right here, from the measuring?

HAYES: Correct, correct.

ROUSH: Alright, I just wanted to clarify.

HAYES: And the front projection we got a panel here, the windowpane, going out into the front yard, we include that setback. You are allowed to have one-foot projection, and this would have two feet. So, it would be a one-foot violation. Part of what is going on here is the structure is designed to maximize market value, particularly on the width, we'll start with that. The 11-yard setback, to try to get ample interior parking within the structure, something that is important in Mt. Adams. Street parking is minimum at best, so this off-street parking within the structure. As you can see interior garage door, still not a double garage door, it'll still be a tandem garage.

Some of the other things in the design, to mitigate factors, especially in regards to the rear-yard setback, is the open porch on the second floor and on the third floor, essentially. So part of maximize the building envelope is to try to make structures fit so views are maintained. With something being open without solid walls, you can maintain views as opposed to when you are building all the way. You'll also notice that the house itself, the interior portions of the house do fit within that maximum building envelope for the rear, and back lot line.

[INAUDIBLE]

At the back you see the line, that's the line of the setback, on the first floor.

ROUSH: Is that line the same on both sides?

HAYES: Correct. That line is flat across the plane. So, the part they are in violation are both of the open porches so they are much more transparent. And another mitigating factor is those are being support on deck piers, as opposed to solid foundation. One of the things that affect the maximum envelope, in my understanding, is to try minimizing the impact on the ground for erosion, essentially preventing excavation and sliding. For them to support on two deck piers, as opposed to a solid foundation, it helps mitigate the sliding susceptibility.

In regards to the roof access foyer, I call it the deck access foyer, that's the structure at the top. Its location as you can see is mid-way in between front of the building and in the back of the building. What that does, even though it is in violation of height, it is something that being in the middle of the building it helps maintain views out towards the rear, that is where some of the town views, or high dollar views as it were. As well as, also the deck does not extend out all the way towards the rear of the structure, so there is not views block by the deck or railing, although those are not usually counted in as height.

HAYES: Ms. Frey, would you like to add anything?

FREY: No, other than our architects are very knowledgeable about building up in Mt. Adams, and they provided us with a very good plan that we feel is the design and surrounding architecture up there. And I feel we are improving the value of the surrounding properties around us.

HAYES: Well, we have some time left, and I have a few questions before I open this up for public comment. I also want to take this time to point out, I did receive an e-mail from the Mt. Adams Civic Association, and they have indicated objection to this project as it would block the views of neighbors and produce a sightline that is out of context with the present street houses. I wanted to give you an opportunity to respond to that, I can pull that back up, if you would like, but let me finish before we go there. I have also looked at the hillside and the guidelines, and there is just a few guidelines that I think are relevant here, and I want to point them out so you can respond and explain how your project might respond to those guidelines.

In particular, if you would like to write these down, it might be helpful, guidelines 3, 19, 21 and 25. And I will show you here what they say. Guideline 3 is planned development for visual composition of the hillside, law which it would occur or demonstrate the positive improvement that would result from modifying the composition of the hillside. Included in that analysis is the visual pattern established by lines of visual force, or rises in topography, patterns in texture, and patterns in existing development. In other words, what this guideline is saying, the project should be designed within existing visual patterns that arise from topography and existing development. So that's the root...

19 deals with the stepping of units, that units be staggered or stepped in relation or according to existing topography, that so the relation to building to other building will give a visual index to closest line of sightseers (?).

21 has to do with views. It should cite buildings not only provide views, but also provide immunity to other private viewing places. Essentially, it's explained the views are important on the hillside as you already remarked.

And then 25, plan buildings, garages, and parking areas to match the natural contour lines of the site. The relation of buildings to one another give index to these undulations, similarly that planned parking areas should preserve the present topography.

And if you think there are other hillside guidelines that I should consider, that I didn't mention, minimize excavation or minimize conservancy the vegetation's or something I should consider...but these are the four I in my mind and which I think are relevant to take a look at development here.

ROUSH: Lets start with the existing topography. I would say both of the guards (?) are doing the same thing with regards to the deck off the back. Basically, it goes up from the street level and keeps dropping down towards the rear of the building. That's on that side, then on the street side, you are looking the front elevation...you can better see from the site plan...as you go from right to left, the existing house on the right, it has a port that comes out, extending out to the property line. What was not being done before, was the other house was set way back. We are still maintaining that line as it steps down and steps back. We are still maintaining that line in the front, as it looks on the street...we maintain line on the street. In the back, without the deck, we will still be stepping back a little bit further than the house to left. But that's only another two foot, as you can see on there. Another two back behind the house on left is where our deck is, so we are close to maintaining, the actual step is maintained by the structure, the veranda and the deck itself are outside the envelope, but we are still maintaining the stepping in the back itself. I guess what I am basically saying is the views are coming from the right down to the left, so our structure is still maintaining the step line from right to left along the back.

One the other things the Hillside Guidelines was trying to maintain a more vertical limits, as opposed to horizontal, we are still doing that in terms of design, as far as height versus width, which is keeping with structures on both sides and most of Mt. Adams.

Parking, I guess I am not as quite as sure...in this particularly case, the way of the parking garage, all that is being maintained within the building envelope.

HAYES: I don't think you need to get into that. Those guidelines they talk about buildings and parking garages, so I don't think parking garages applies here.

ROUSH: Right, I agree. It did on the structure before, because you actually park next to the building. But now you park inside the building, so...

Ok, so the only other guideline brought up was the height to width, and that is keeping with Mt. Adams, and keeping with the hillside guidelines as well as Mt. Adams. Let's look...

HAYES: Well, we are at the end of the time. I want to open the floor to public comments at this time. I have a few people here that wanted to speak. Can I get a show of hands? Is everyone here intending to speak? We got four, five...ok. Just so I can understand, those who would like to speak in favor of this project—any of you?

ROUSH: I'm sorry I know we are out of time. Can I address the letter that came; we can call it our office that came on Wednesday? I know there was a meeting on Friday, but I may be wrong about that. There was a meeting; they say no owner was in attendance or representative. Essentially, we got the call on Friday, but we had already left, and I didn't receive the message until Monday.

HAYES: I appreciate that. For the record, I just want to be clear, I really am solely concerned with what the guidelines are and how the guidelines are being met. So, we always encourage applicants to meet with community councils and community grants, its not a requirement—we encourage it, strongly. But that is really a private matter. I am concerned primarily with the standards.

ROUSH: Ok.

HAYES: Ok, we'll just do this in a left to right fashion.

[Swearing-in]

LOUIS ALBERS: First name is Louis, last name is Albers, residence address is directly across the street from the property, and it's at 1022 St. Gregory St. I am also representing the Observatory Point organization. My property is one of four condominiums, altogether—

HAYES: Is Observatory Point a condominium association?

ALBERS: Yes. The view will be obstructed on all four properties, mine in particular, which is directly across the street. I bought this condominium in 1999; with the prime consideration for value was the view of the city, of the river, of the stadiums, of everything. I really feel with these variances and the new building and the garage and all that. My view will be gone, and the value of my property will decrease.

HAYES: Let me ask you this question Mr. Albers—were you finished?

ALBERS: Yes.

HAYES: There are several variances here, and they include variances for height, for width, for projection and rear projection. Just so I can be clear in your comments. Do you object to the variances wholesale? Or are there particular aspects you object to?

ALBERS: I'd say a wholesale objection, because the left and right are definitely obstructing the total ambiance of the hillside. Especially the height that is the one that bothers me the most.

HAYES: Thank you very much.

[Swearing-in]

MARY ELLEN HERRIGAN: Mary Ellen Horrigan, 1027 St. Gregory. I live on wedding cake. We look over all the streets below us, and the streets above us look over us. It only works if everyone plays by the rules. Exception is on flat street is on a non-view side and a view side. Non-view side typically runs about \$100-200,000 cheaper than the view-side. We are talking views but we also talking money. I understand the city is looking for revenue, and turning this eyesore into a house is definitely a plus. But every foot costs us hard money. There are 12 houses on the even side of the street, and 11 on the odd side that are going to lose money. You leave us no recourse but to lower our tax evaluation, which is kind of like shooting ourselves in the foot, but that is the only recourse we have. So, it really isn't enhancing the city's coffers. We feel a little bit run roughshod by this committee, as we have lost the last 7 variance fights. Every foot costs us view. I object to the height and the backline. The backline takes view from all of our decks. Some of the houses only have a deck; they don't have a rooftop viewing area.

Every precedent we set makes it easier for the next guy to go 8 feet, 10 feet...what the heck? We redid our house in 2000, we fired the first architect that said, "Oh, nobody pays attention to variances, this will fly." It cost us \$15,000 out the window to go with the next guy who said, "Here's the variances, here's the code, we can stay within that window and do this." We went with that, and sat with this committee, and flew through, because we didn't ask for variances. It can be done. I feel if you keep compromising the money I have spent in keep upgrading my property, I want my money back. Thank you.

HAYES: Thank you.

[Swearing-in]

JIM HERRIGAN: I am Jim Horrigan, I also live at 1027 St. Gregory. I also happen to be on the Board of Trustees for the Mount Adams Civic Association. I think I heard from the architect, they didn't get the notice to meet with the zoning board—I'm not on the zoning board—but I did have a copy of the zoning board's letter. And the zoning board was looking to meet with, now obviously they didn't give them a whole lot of time, but the zoning board doesn't get a whole lot of time either when there is a notification that there is going to be a hearing. I think can a lot

be done, you know, the zoning board is five individuals who look at these things and take them into context of everything else. I notice when you were talking about the topography of the street—unless if you take in the context of the street—are they following that line? Is that building going to jut up higher than some their neighbors? That upsets some of the topography that they are looking for.

I think blocking off people's views is another thing. I think on the top there, what we affectionately call the doghouse; there are some houses up there with that—ok. But I don't think it adds to ambiance of Mt. Adams to have those things just sticking up, up there. I can talk for hours, and I don't get any time taken off the clock...

[Side Conversation]

I think we did our renovation, and increased our value of our home, and there was a lot work done with the architect. There was a lot work done on the foundation, on what it takes to hold onto the hillside. You go up these additional stories ok, and I think the zoning commission needs to hear that somebody is paying attention to all these kinds of details. And I would just say, try to get together with them. I mean half of it is just meeting so they can ask questions about the drawings. I mean, I got a quick look at the drawings coming in, but all it shows is that house. So, it was a little frustrating to say hey, we get this, we don't really have enough time to voice these objections to it, a lot of the objections is we just don't know what it is that's going on. It's kind of like thrown at us, without any time to respond and look at what is going to be going up there. That would be my plea—I understand that Mt. Adams zoning committee, doesn't have the authority to do anything, but bringing them on board, at least get them to knowing and at least be sympathetic to what they are trying to do. Because if its overall going to increase value, I think most people in Mt. Adams would be ready to embrace that kind of thing. You know I think having a parking garage underneath and taking more cars off the street that is a positive too. But you know, when you start to make it bigger and out of context with the rest of the street, then it presents a problem.

Ok, I think I've got my time now.

[Swearing-in]

ALLEN BERNARD: My name is Allen Bernard, my address 1011 Jerome St. I am a forty year resident of Mt. Adams. Forty years on the street, and during that time we have seen great changes. I overlook almost the entire street of St. Gregory from Jerome Street down, and it's a bit of a unique perspective from that way. We have seen multiple buildings go up including illegal balconies, higher and higher. Various buildings have violated hillside ordinances that we carefully constructed, and I mean carefully fought for and constructed over four decades since I've been there. At times, acting on political influence, the city council overruled committee recommendations, in order to construct higher than allowed structures. In other incidences, rooftop decks were constructed after construction permits, as developers told their clients this was an accepted way to get around permits. And once the rooftop decks were constructed, they were not taken down, there were not fines levied. As I mentioned, I have a unique perspective, as I see the rear views of the buildings and the rooftops.

[Inaudible]

BERNARD: So, I overlook, that is the highest part of the St. Gregory area, I overlook the balconies and rooftops. I also have a view of the hills along the Ohio River, and that specific area where the new construction would be built. As the various ordinances suggest, intersecting various triangles, varied heights, narrow widths have traditionally defined Mt. Adams' properties, and this creates an unusual and unique collage of buildings that is visually appealing. I think you recognize that in the various ordinances you do have. If this structure is approved, the St. Gregory Street will appear as one horizontal line of buildings, as opposed to angle buildings, and where that particular lot is, it is a one-story building there currently. And of course, this new building will level this entire area. And of course, that building on top, that entrance to the deck, I refer them to as out-houses on top of the buildings. I don't know how these have ever passed variances, because they violate everything I know about good architecture. I think they look awful, and to look down upon them, it's a crime that the city permits this. Other hilltop communities in the nation

would not permit such addendums. So, anyway, I say the various regulations we have were developed with the historic and traditional structures unique to hillsides. I stress that it is important that these be followed and the variances that are requested are rejected. I disapprove of this zoning relief that is being proposed.

HAYES: Thank you very much.

[Swearing-in]

ERIC RUSSO: For the record, I am Eric Russo, Executive Director of the Hillside Trust, and my attention was brought to this issue in the last 24 hours. I only received a notification in the mail for this hearing this morning. I did get a letter in the mail last Friday to attend a meeting of the Mt. Adams Civic Association, I got the letter at 5:30 in the afternoon, and the meeting was at 5 o'clock. So, I am primarily down here today to just gather information, but as I hear the testimony today from the residents, I would like to add to that in my 25 years with the Hillside Trust, there have been a lot of issues like this in Mt. Adams, regarding private views, regarding public views, regarding buildings that go beyond the envelope. And I think what I would like to add to the record here is this is a very high profile community, who bought these homes primarily for these views, as well as the ambience of the neighborhood. And I would like to echo several of the testimonies here today, when several of these developments have gone up, either brand new or redevelopment, that there have been exaggerations, if you will, on the development itself, where they have gone beyond what they say they are going to do. And I think it is important for this community to stick to the standards of the architecture and the zoning as much as possible, because there are a lot of implications from these sorts of things when they occur. In other words, if the building goes beyond the envelope, it's going to have a negative effect more likely than not on the surrounding neighbors.

Prior to, I think, 2000 or 2001, private views were not legislated by the city or the state of Ohio; because of the way zoning codes were written. However, there was a case I believe Cash v. City of Cincinnati involving a case on Guido Street, where successful blocked a development that blocked his view out. So, I guess I would encourage the Hearing Examination to try to inspire the applicant to try and put the building into context of the street, protect the views of the neighbors, and try to be a good neighbor by setting a good precedent, not a negative precedent when it comes to development and redevelopment. Thank you.

HAYES: Thank you. I just wanted to be clear to everyone that has attended this meeting; they had their opportunity to speak. There are a couple ladies in the back. I just want to be clear. Ms. Roush, I am going to provide you with five minutes to respond to the comments you heard today, then after that I am going to close out the hearing.

ROUSH: Shannon Roush, again. I think I would first like to address from height and streetscape it does go down from, we are looking at the right to left of the street. The present house there is quite a bit smaller than other one, and it does much more varied view as far as the height. Now what I do think, as far as the front is concerned, it will maintain the context of the street, as far as the height on the front, excluding the doghouse which is set back, would effect the height on the street but not as far as the side-to-side, and shouldn't affect the side-to-side views. I think anything we do, because the present structure is so low, is going to affect the views across the street, I don't think there is anyway to get around that. Even working within the guidelines as they are now, they are going affect the views across the street versus maintaining the house that is there now and not doing anything particular...

HAYES: Thank you very much. Thank you for everyone coming out today and their comments. Mr. Bernard I believe you have a letter. If you want to put that in the record, I will take that now. The way this works is I take all this into consideration, I apply the guidelines; I will issue a written decision...I will have a decision out. They typically go out by Friday. Thank you.